

Dependency or Domination: An application of state theories to Palestine and Israel.

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## Introduction:

The “two state solution”, a plan for a “Jewish State” and “Arab State” in the United Nations General Assembly recommendation 181 (1948), has failed egregiously since its inception. For a conflict that has numerous times been described as intractable, it is a wonder why the international community and the parties to the conflict themselves would continue to advocate for a plan that has never worked to accomplish its *raison d’etre*. The Trump Administration took it’s shot at the “intractable” conflict of the century, a sword in the stone for contemporary United States Presidents, for he who solves “peace in the Middle East ” will clearly be the worthiest of them all. The Trump Administration is in fact the first Presidential Administration in the U.S., to endorse a non-two state solution, “discarding” the state aspirations of the Palestinian people and going so far as to recognize Israeli settlements that have long been considered illegal under international law (Crowley and Halbfinger 2020, Beaumont 2020). Although there was international condemnation for the Trump Administration’s Peace Plan, especially considering the controversial U.S. embassy move from Tel Aviv to Jerusalem as well as Netanyahu’s announcement for Annexation, for the most part the Trump administration recognized the “facts on the ground” that previous administrations had allowed to happen under the auspices of a “two state” paradigm. This raises the question; to what extent is a two-state solution viable?

To ascertain this, it is important to have a grasp of what “the facts on the ground” are. To what extent is there separation or integration between a Palestinian entity and the Israeli state? What form of separation exists? To what end does integration exist and what are the implications of integration between the two? Most importantly, is the separation between them to the degree

that there is no hierarchy, but rather anarchy prone to conflict or is there a power structure that is being resisted? Fundamentally is there already one geo-political hierarchy or are there two distinguishable ones? The contemporary international system is state-centric; thus, this thesis will use state theoretical frameworks of political and economic power configurations as a useful way of conceptualizing the separation and integration of these two peoples.

### Two State Solution:

The two-state *solution* regarding Palestine and Israel has long been heralded as the only solution to Palestinian-Israeli relations. The origins of this “conflict” stem in part from the UN General Assembly call for partition into two states. Mandatory Palestine had previously been an Ottoman territory, under British administration. While all other former Ottoman territories under mandate status were eventually granted statehood, Palestine was reserved for an establishment of Jewish Homeland (United Nations 2021).

The Oslo Accords Peace Process was perhaps the most visible platform to call for a two-state solution, although it was only nominal. The Clinton administration played a crucial role in these negotiations, Clinton himself being a longtime proponent of two states and it would seem Clinton also recognized the demographic issue for continued and prolonged occupation. In 2013 while answering questions after a speech at the Peres Academic center, celebrating Israeli Shimon Peres 90<sup>th</sup> birthday “No matter how many settlers you put out there [in the West Bank], the Palestinians are having more babies than the Israelis as a whole” thus there is no credible alternative to the two state solution (Times of Israel 2013). The Bush Administration followed

suit, initiating the U.S. endorsed “Road Map” to peace. Unlike other pertinent international agreements attempting to mediate Palestinian Israeli relations, such as U.N. Security Council Resolutions 242 and 338, or the Oslo Accords , the Road Map is the only proposal that includes a reference to a two state solution although like the others it leaves the negotiations over what those states may look like to final status negotiations (Jerusalem Center for Public Affairs, 24 , 2018, United Nations 2003)The Obama and Biden Administrations, with the exception of the Trump Administration has followed suit.

The two-state solution framework is prolific, and within international circles, U.S. administrations , Israel and to a significant degree the Palestinian Authority there exists no discussions of an alternative. According to the Jerusalem Center of Public Affairs , “the expression is repeated 15 times in the 1 July 2016 Quartet statement, 7 times in Security Council Resolution 2334 of 23 December 2016, 12 times in the explanation of the U.S. vote to abstain, by the U.S. representative to the UN, Samantha Power, 24 times in the speech on Middle East peace dated 28 December 2016 by U.S. Secretary of State John Kerry, and 9 references in the Paris Peace Conference Joint Declaration of 15 January 2017” (Jerusalem Center for Public Affairs, 24 , 2018). This same proposal that initiated conflict in the first place has persisted in face of its obvious failure regarding its stated goals. Far from the 45% of Historic Palestine originally allotted in U.N. General Assembly Recommendation for Partition, an inequitable offer itself for a people who were indigenous and constituted the majority, Palestinians still lack a state and continue to be forcibly transferred from their land. Conversely, settlements and settlers continue to grow and the Israel “state” is a highly developed nation with one of the most advanced militaries in the world.

## Review of State Theoretical Literature and its Application to Israel/Palestine:

Scholars have offered alternative conceptualizations for the state. Charles Tilly theorized nation-state formation in pre-industrial Europe as a sociological and historical process that took place over a long period of time. Tilly's materialist explanation theorizes the dynamics that reify the nation-state as the interrelation of four violence-based frameworks: war-making, state-making, extraction, and protection (Tilly, 1985, 181-182). The emergence of a nation state by way of these activities goes as follows. Through war-making, political leaders can establish a general territory in which they concentrate the use of coercive power. After obtaining the basic locus of power and general borders, to maintain these external parameters, political leaders then leverage their control over coercive power (otherwise known as the monopoly on the use of force) over the populace within their boundaries; this is the process of state-making. Under state making, apparatuses of the state are created to facilitate the integral two processes of Tilly's theory, protection and extraction (Tilly, 1985, 175-181). Through the creation of for example, a tax apparatus and a court system, the state can extract capital necessary to continue its war effort and maintain its territorial boundaries, and through protection the state can subdue the local population and ensure continued extraction. This relationship forms the core of Tilly's framework of the state as protection "racketeer" (Tilly, 1985, 170-171). At this stage in formation, comes the rise of policing institutions, symbolizing his contention that "legitimacy" of state violence is accepted over time, through sociological processes of integration (Tilly, 1985, 174). Tilly argues that the violence produced by the state within this protection racket can be distinguished from violence used by other groups by the ability to produce this process long

enough to “make the division between illegitimate and legitimate force credible” (Tilly, 1985, 171-172).

What we can gather from Tilly’s theory of sociological and historical state formation is some of the necessary components of the state, namely, a military which is a necessity to establishing a monopoly on the use of force, and state apparatuses that can maintain the internal integrity of the state’s structure through a process Tilly refers to as a protection racket; these include systems of tax, public services (public sector), police forces and a court system. It also provides a theory of the sociological process of state formation, namely, that the center of power that “introduces a threat and then charges for its reduction” works from the center outwards, in process that captures more resources and people, providing an economy of taxable capital in exchange for “protection”, for example public services or possibly police. This taxable capital is used to fund the military, that maintains the integrity of the monopoly on use of force in the territory.

Unlike European state formation which took place over an extended period, the Israeli state was legitimized virtually overnight in UN General Assembly Resolution 181 before the process of state formation (war-making, state-making, protection, and extraction) had taken place. UN resolution 181 apportioned 50% of Palestine to the Jewish settler community while it retained 45% for the indigenous Palestinian majority, of 70% of the entire population of Palestine, splitting the “Arab” apportionment into three parts with its allocation down the center of the territory and of the East, to the Jewish community. Upon Palestinian rejection of the U.N. resolution to partition, in context of the territorial favor Resolution 181 offered upon Zionist settlers, Zionist leadership recognized that enforcing partition through force would ultimately

position them to expropriate more land (Erakat , 2019, 46-28). Beginning in the 1950's, plans for Occupation were already being drawn, having grown amongst Zionist scholars within the Labour movement who regarded the West Bank (Judea and Samaria) as vital to the Jewish state (Pappe, 2006, 146). Zionists pursued a campaign of expulsion operating on the premises that only a Jewish majority demographic could ensure a viable state – in view of the first Prime Minister of Israel's , David Ben Gurion, “only a state with at least 80 percent Jews is a viable and stable state”. To attain this according to Gurion, “We must expel Arabs and take their places” (Erakat, 2019, 49). Summarily, Israeli state-building has the express intent of preserving an exclusivist Jewish state in a territory with a heterogenous population, a fact that is recognized and legitimized by U.S. administrations and politicians (Arab News 2020, Begley 2016). The political ideology that Israel has its basis in and is still regarded as its political basis today, Zionism, articulates Jewish nationalism with the political goal establishing an independent Jewish state was the only way to elevate European Jews from their subordinate status in Europe was to meet Europe's exclusivist states which a Jewish state of its own, “rendering him eligible for acceptance within Europe” (Erakat, 2019, 27)

Whether by default of design, in order to pursue the Zionist settler state's goal the Israeli state directly extracted, thus acting as a racketeer, from the Palestinian populace but with the intent to create and protect an exclusive settler state and settler population. Whereas Tilly's theory of state formation makes no reference to the protection racket privileging only certain subjects over others, Israel's state-building policy has been centered around dealing with the demographic problem by building a state of settlers in a territory to replace the majority indigenous population. Summarily, Tilly's theory assumes that demographics subsumed under the state's protection racket unconsciously, will be accepted, and that they will, in turn, accept

the authority of the state. This is not the case with Palestinians living under Israel's monopoly over the use of force today, a population it has repeatedly claimed it has no or limited responsibility.

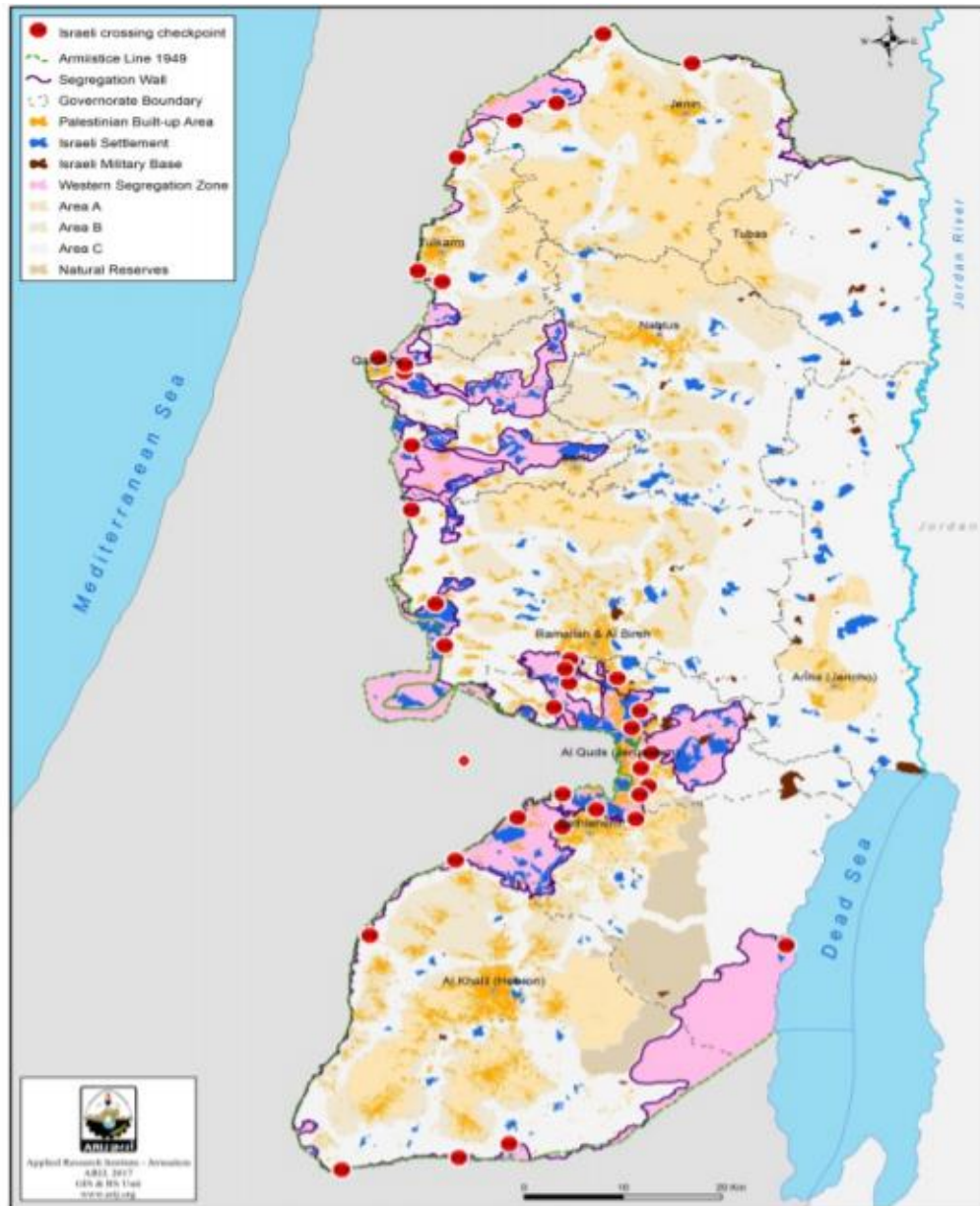
To pursue this goal, the Israeli state adopted an elaborate policy of territorial integration and societal exclusion. The result today, is a highly fragmented Historic Palestine and one of the worlds most extreme models of population control. Historic Palestine is fragmented on several levels. Currently within this territory, there are four major areas, and one smaller but significant one; Israel proper, East Jerusalem, the West Bank, and the Gaza Strip make up the traditional four. Territory between the "Green Line", or what has been the typical border between Israel and the Occupied West Bank recognized by many International doctrines/resolutions (Haaretz 2015), and the Apartheid Wall, which physically cuts it off from the rest of the West Bank is referred to the seam zone. Within the seam zone residents live without permanent rights to movement (Al Qadi, 2018, 6). Out of these four areas, there is only one that has a predominantly homogenous and Palestinian population of 1.7 million, although this is a product of the blockade and siege Israel has imposed since 2007. Within Israel proper there is a population of 1.4 million Israeli Palestinians, while 5.9 million are Israeli Jews. There are 2.7 million Palestinians in the West Bank and East Jerusalem, while there 620,000 Jewish Settlers (*B'Tselem* 2017, DPA) Lastly, an oft-forgotten group, the Palestinians in diaspora: there are some 475,000 Palestinians refugees in Lebanon (Middle East News; Al Jazeera 2019), 2.2 million refugees in Jordan (UNWRA 2019), and a sizeable but shrinking population of Palestinian refugees in Syria, all bordering the West Bank and Israel. This does not include Palestinians is diaspora worldwide.



Within these four larger areas there is further fragmentation; within East Jerusalem and the West Bank, there is a separation of peoples, but they do not live in territorially defined spaces. Rather, the area is split by “Palestinian autonomous” enclaves, settlements, checkpoints, and the separation barrier. Within the West Bank itself under Oslo, the territory was split up into 3 parts; area A, area B, and Area C. Area C which makes up 60% of the West Bank and also where most of the settlements are located and remains under direct Israeli control, splits the West Bank into three major areas, that were further subdivided by the bypass road system and four major settlement blocs (Farsakh 2005, 240). Additional to this fragmentation internal to the Occupied territories, Israel de facto controls all the defensible borders”. The Israeli state has continuously stated that due to “security concerns” this border fluctuates depending on Israel’s needs. According to Yosef Kuperwasser, former chief military intelligence analyst who now serves as the director-general of Israel’s Strategic Affairs Ministry, “We can’t have a map until we know what the solutions will be, in terms of both strategic security and the philosophical security of being assured that Palestinians have ceased to be even a prospective source of hostility” (Williams 2011).

If we were to accept this territorial split as the actual definition of Palestinian versus Israeli state, this would mean that Palestine would be a non-contiguous set of enclaves that are all completely encompassed within the state of Israel. Additionally, because Israeli security and thus its borders are paramount, these set of enclaves are subject to change at the whim of the Israeli state. Although these territories are split up “for people”, these are not necessarily the areas people live in. Area A is the allotted area in which the Palestinian authority has territorial and civil jurisdiction; in July 2000, this amounted to a mere 19% of the West Bank (Farsakh, 2005, 240). This does not encompass where Palestinians live, just where the Palestinian

Authority (PA) has autonomy; Palestinians live in all 3 areas, and some settlements are not contained within areas C.



\*Source: ARIJ Institute, 2017.

Figure: Al- Qadi. *Applied Research Institute Of Jerusalem*. 2018

Furthermore, although a large majority now lives in Area A and B, much of their livelihoods extend into Area C (Tahhan 2020). Conversely, the PA has responsibility for (civilian or functional jurisdiction) over 93% of Palestinians living in the Occupied Territories – but it is excluded from territorial jurisdiction from the majority of the West Bank which remains under the Israeli military government and is separated by blockade (as well as political tensions with Hamas) from the Gaza strip (Farsakh 2005, 239). In Area B, which comprises 21% of the West Bank, the Palestinian Authority is responsible for health, education, and the economy for the Palestinian residents, but lacks security or territorial jurisdiction which are both controlled by Israel (Al Jazeera). East Jerusalem is also Occupied, has a heterogeneous population of Palestinians and Jewish Settlers, and falls under Israel's military government. All of this fragmentation also takes place in a small area, where the "Combined, the areas of Palestine and Israel make up 26,790 km<sup>2</sup>. That is about the size of the US state of Hawaii (28,313 km<sup>2</sup>), the Caribbean nation of Haiti (27,750 km<sup>2</sup>)" (Haddad 2020). To maintain this fragmentation, Palestinians movement is restricted by roads, checkpoints, physical obstacles; furthermore, all Palestinians within the Occupied territories cannot leave their Palestinian enclaves, without a permit authorized by the Israeli civilian Administration. In affect today, the only changes to the Occupation that have been made, is that protective responsibilities have been transferred to the PA, although the theoretical scope of this authority is limited de facto by Israel's hegemony over the territories. Taken together, Israel controls the borders of Historic Palestine, has paramount security in the region, and has ultimate authority of the movement of Palestinians as well as their goods and trade. Furthermore, it retains significant control of tax revenues relied on by the PA, through taxable Palestinian labor in Israel.

Summarily, Tilly's theory assumes that demographics subsumed under the state's protection racket unconsciously, will be accepted. This is not the case with Palestinians living under Israel's monopoly over the use of force today, a population it has repeatedly claimed it has no or limited responsibility. Ultimately, what has been established under Oslo is that Israel acts as a racketeer towards the Palestinian people but refuses any protective responsibilities to them, while the PA has limited abilities to act as a racketeer, is required to provide protection to the Palestinian people as well as the Israeli state, without a military or any means of sovereignty over a taxable economy.

Neither prior to the Oslo Accords, nor after has there been any meaningful existence of two "protection rackets" operating in defined spaces. Nor has Israel accepted the Palestinian populace that it has established its hegemony which are both inconsistent with Tilly's theory of state formation. To this day, Israel's legitimacy is questioned, and that debate is directly connected to lack of consensus on where Israel's borders are and what/who they specifically are meant to contain. To illustrate the issue; an Israeli citizen can travel freely, under the auspices of Israeli law, to any part of Israel or the West Bank without interference. Palestinians within the West Bank, Gaza, East Jerusalem, and even Israel to some degree can only live in certain and mostly isolated localities; for Palestinians without Israeli citizenship (the majority), their freedom of movement is restricted, whether they are entering Israel, traveling within what is supposedly "Palestinian autonomous spaces", or abroad. It would seem borders exist only for Palestinians in the same geo-political unit where Israeli's experience none (except Gaza, but that is due to Israel's blockade, not Palestinians). It is from this difference in treatment, that Israel faces

allegations of illegitimacy as a singular state, while it is also the case that there is clearly no Palestinian state within which a Palestinian authority has a monopoly over the use of force or control over its borders.

### Re-positioning Palestine and Israel:

By analyzing economic dimensions between the Israeli government, the demographic(s) within Historic Palestine and the political implications of these dimensions through a state theoretical framework, this thesis intends to show that the Israeli State has used components of state coercion over the Palestinian population to maintain a single geo-political reality that would further its settler-colonial project. Prior to the Oslo Accords the operation of a tax regime the monopoly on the use of force, legitimate sovereignty under international law as a Belligerent Occupier, and control of the economy and public sector, the Israeli state had the contours of a state within all Historic Palestine. However, the same international law that granted Israel sovereignty, prohibited Israel's territorial ambitions of establishing its "Jewish and Democratic" State in parts of the West Bank and Gaza. Through taxation and economic development, and the addition of the permit regime, the Israeli state construction depends on preventing the emergence separate Palestinian state through processes of territorial integration and societal exclusion. In order to achieve this, the Israeli state has co-opted influential components of a potential Palestinian state, including a tax regime and a security apparatus. I define this "conflict" as a single-state-building problem and use political development literature regarding Palestine and Israel to establish a new basis on which knowledge on Palestinian and Israeli relations can be built. In analyzing the tax regime and the resulting economic and development implications after the beginning of the Occupation in 1967 through 1989 and the beginning of the First Intifada, I

seek to show how the Israeli settler project unilaterally institutionalized state coercive power over Palestinians in the territories. I will then explain the changes that were made within the Oslo Process and after the Al-Aqsa Intifada, with special emphasis on the permit regime to show how in contrast to the popular paradigm of the two-state solution, the result of the ostensible “Peace Process” has only resulted in tighter Israeli control of Palestinian areas and rather furthered a one-state reality

#### Political and Economic Development:

From the political development perspective, Ari Arnon has argued that Israel has refused both the “One” and the “Two [geopolitical units]”— Arnon claims the result of Israeli policy cannot be explained by either designation. He does concede that this was a product of Israeli strategic policy, and while its form has changed over the years it has resulted in “imposed separation” ( Arnon, 2007, 573). According to Arnon “There is no other example of such a large discrepancy between a developed economy and that of a *less developed country* when the geographical distance between them is negligible” (Arnon, 2007, 579-583). In this framing, he exceptionalizes this economic pattern of relations and implicitly presents the two territories as separate economies as well as political units. He does not attempt to argue that Israel has not dominated this relationship for gain, or that Israel has not actively integrated the Palestinians into their own economy and attempted to preserve that relationship for political leverage, but he stops short of labeling this relationship colonial exploitation. I would argue that this disparity in economic circumstances is only exceptional if one denies the settler-colonial character of Israel, and if you present it as separate “states”. Yet Illan Pappé’s prediction that, the “...measures offered by Oslo would have turned the areas under the PA into the slums of Israel” seems

accurate at the time of writing (Pappe, 2006, 274). The disparity between Palestinians and Israelis does not exist in “separate territories” but is constructed through contradictory processes of societal exclusion and territorial integration in a single state (Farsakh, 2005, 235). By theories of the state, the positioning of people within a similar geographic space according to status, be it based on a marker such as race or religion, and with an unequal economic scheme is far more analogous to a single geo-political unit than separate states which is at minimum defined by jurisdictional separation.

This simultaneous process of territorial integration and societal exclusion/separation is not a process of two separate geo-political entities, but a dominant group seeking to integrate land while excluding the indigenous people and replacing them with settlers through various methods of exploitation.

#### 1967-1989 Tax Regime and Economic relationship:

While force and tax systems in Tilly’s framework reach outward to pull people in, leading to nationalism, Israel started with nationalism and uses force to remove the indigenous population of Palestine out while using tax benefits to incentivize Israeli settlers to move in. In Tilly’s framework, the core territory is looking for more territory and legitimacy from peripheral communities. In Ian Lustick’s analysis of Israel state expansion, Israel is looking for territory and trying to convey legitimacy by settling Jewish populations and the establishment of institutions that perform protection and extraction activities for this conception of the state of Israel at the expense of the indigenous population (Lustick, 1987, 153). Furthermore, Israel do so by creating new “facts on the ground”. Lustick also notes the simultaneous and significantly more precarious tax benefits offered to Palestinians, to pacify them to Israel’s expansionist policies, as well as

arrange them to suit Israel's settler-colonial needs (Lustick, 1987, 159-160). This is consistent with the integration policy taken by Israel following its 1967. In the integrationist policy preference view, spear-headed by Israeli Defense Minister Moshe Dayan, by integrating the two economies, "economic development and living standards would replace the Palestinian desire for political rights" (Arnon, 2007, 579-580)) which would defeat the pursuance of a separate Palestinian state. Simultaneously, it refused the acceptance of "Palestinian citizens" and pursued a policy of ethnic cleansing. It was a principle of both political parties, Labor and Likud, at the time in Israel `` that Israel is not a state of its citizens but the 'sovereign State of the Jewish people' and simultaneously it was an agreed upon position that Israel should be in control of the Occupied territories (Chomsky 47-50). To form the Zionist idea of a "Jewish and Democratic" state in this territory, Israel would have to "de-construct" the possibility of a Palestinian state, while replacing it with an Israeli and exclusivist Jewish one and maintain its international legitimacy.

This process of colonial erasure and state building was constructed in part through a tax regime. International law pertaining to occupation found in the Regulations annexed to Hague Convention IV (Hague Regulations), which allows an occupier to tax local inhabitants. A belligerent occupier has the responsibility to maintain the political social and economic arrangements of the occupied territory because it has the monopoly on the use of force, but lacks domestic legitimacy, while the legitimacy of its actions is subject to international law.

There are three fundamental conditions to this international legal arrangement. The first is an absolute obligation to restore public order and safety for the local inhabitants. The second is that the laws that were in force in the territory under occupation, should continue to be used in



the territory. The third is an expectation that the second condition is not absolute only where it is impossible to continue using the laws in force or under the condition that doing so would be in violation of the first condition. Article 43 of the Hague Regulations taken together with Article 48, describes the license and bounds of taxation by an Occupier. Summarily, an Occupier has license to collect taxes, based on their obligation of public order and safety to the local inhabitants; taxes should be collected and assessed in accordance with the Regulations and regarding the tax laws in force, insofar as they can without compromising their obligation of safety to the local inhabitants (Stephens, 1990, 5-7). While there is wide legal consensus on the imperative of an Occupier to rely on the laws in force in a territory, unless “absolutely prevented from doing so”, the Israeli High Court interpreted this as meaning “need”, regarding both the local inhabitants and the military forces. In using this interpretation of law, the Israeli High Court proposed the legal argument that it was within the International legal framework of Occupation to levy new taxes on the local inhabitants in the Occupied Territories. Furthermore, it interprets the legal framework as allowing for the levying of taxes to fund both local governance of the Palestinians and to fund occupational forces.

The Value Added Tax system was installed in 1976 under Military Order (M.O.) 658. Before 1967, tax was only paid on the wholesale value or a fixed sum at the sight of production: following M.O. 658, tax became payable on value added at each stage of production. The taxes were imposed on the sale of all goods (except fresh produce), rendering of services (which was entirely new to the territories) and imported goods. (Stephens, 1990, 26-28). The VAT system was justified by the Israel High Court as required for the economic good of the territories, and that failure to impose it would lead to a security risk through “denigration of living standards.” (Stephens, 1990, 28). Fundamentally, the basic premise of the Civil Administration’s argument

for why VAT needed to be installed was that it was in the Palestinian inhabitants of the Territories best interest. They further argued that to do this, the economies of Israel and the Territories must be integrated.

This argument was flawed for several reasons. The Civil Administration argued that imposing the VAT system was necessary to prevent flooding the Occupied Territories' market of cheaper Israeli goods (Stephens, 1990, 28). If this were to happen, the Israeli government would have to impose price control mechanisms, thus damaging trade for "both sides" (Stephens, 1990, 28-30). However, Israel also raised trade barriers and levied taxes on imports to the Territories with the sole exception of Israel. In effect, although cheaper Israeli goods would not flood the market because of the lack of the VAT system, dependence on Israeli goods would be manufactured using an imposed customs union. This custom union, which was in effect from 1967-1993, was unilaterally decided by Israel for the entire territory. In another layer of tax and trade, it contained no arrangement in splitting the import taxes resulting in most of these taxes returning to Israel, presumably aiding in its Occupation (Arnon, 2007, 575).

Moreover, although Palestinians in the Territories would be able to trade with Israel, they could not freely trade internationally; conversely Israeli trade gains were absolute. To further cement this trade and tax agreement dictated by Israel that would artificially preserve Palestinian dependence on imports from Israel, the Israeli Civil Administration in the territories went so far as to discourage local initiatives in the Territories that might compete economically with Israel's (Arnon, 2007, 581, Farsakh, 2016, 63).

Furthermore, as argued by Al-Haq jurists, the natural corollary to introducing a VAT system in Israel and raising trade barriers, while acting in the Palestinians interest would have

been the “abolition of trade restrictions between the Territories and the rest of the World, not the introduction of VAT in the Occupied Territories” (Stephens, 1990, 30). Summarily, the Israeli Civil Administration argued for the installation of the VAT system to avoid a particular outcome in the “interest of the Palestinian People”, but then artificially imposed that outcome through different means, while accruing benefits to the Israeli State.

The second flaw in this argument is the disastrous results this had for the Territories’ internal economy. The introduction of the VAT systems presented tough tax requirements which many businesses in the Territories could not meet, resulting in economic behavior such as high consumption and investment in low productivity and inflation proof assets.

#### Political Implications:

The cumulative result of these policies was both a “controlled market for Israeli goods”, providing for “export sales of about 600 million per year” as well as a “substantial unorganized labor” (Chomsky, 2014 50). Because of the trade relationship described above established in Israeli occupational tax policy, there has been a consistent deficit in balance of payments between the territories and Israel; the territories import more than they export. Earnings from Palestinian labor was one of the most significant areas of revenue that helped to cover this deficit (Farsakh 2008, 48). This made the Israeli labor market crucial to any concept of a Palestinian economy (under Israeli control).

The Israeli Civil Administration, tasked with governing Palestinians in the Occupied Territories as it still does today, assumed control over the Palestinian budget when it Occupied the territories. There are few published statistics regarding the Palestinian economy during this

time. In fact, due to the secretive nature of this regime, procedure in accounting allowed for large amounts Palestinian taxes to be counted as revenue owed to Israel. The “occupation tax” according to Meron Benvenisti for 1987 was \$800 million USD, which could have doubled the development budget of the territories in the same year (Stephens 1990, 52-54). Some of these measures included the “Special Payment on Vehicles”, later called the “intifada tax”, as well as other fees and excise duties, which amounted to substantial sums (Stephens, 1990, 34-49). In contrast, taxes paid by Israeli settlers or Israeli citizens who earned income in the West Bank were paid to the State of Israel and not the Civil Administration. This was equally true for Israeli companies that operated within the West Bank. Tax credits and benefits were additionally offered to settlers in exchange for moving to the Territories during this period, even providing “settlement” insurance (Lustick, 1987, 151-171).

In addition to new military legislation imposing taxes, new enforcement measures for collecting these taxes were also imposed. Most notable were the changes in law to allow for increasing authority to attach property, delay departure and the bestowment on the VAT authority full military powers in the use of force. M.O. 309 gives tax authorities appointed by the customs and excise department the “authority to arrest, without a warrant, any person who violates or who there is reason to suspect has violated laws specific in M.O. 31, including the 1985 VAT Regulations” (Stephens, 1990, 35-38). In a further reach, M.O. 1262 established a link between permits to travel across the green line or the Jordan river and unpaid taxes. Under this new law, permits and licenses could be withheld pending payment of VAT, the Special Payment on Vehicles and “fines related to the following matters: leaving the West Bank, press and advertising; labor, trade, and industry; accountancy; surveying; insurance; mining and stone quarrying; urban, rural and building planning; antiquities; tourism; telephones; construction of

factories; vehicle licenses; driver's license and registration of vehicles; transfer of money into the area; registration of trade names; trademarks; transfer of goods; currency control; and vehicle license plates. In addition to these amendments, whereas prior to 1967 attachment of property existed, the notification and warning procedures allowed for more protections to taxpayers, but these were whittled down and, in some cases, completely abolished, while attachment of property in the hands of third parties and the attachment of property by banks were introduced (Stephens, 1990, 38-47).

This relationship between Palestinians in the Occupied territories and the Israeli state represents a vicious deviation of Tilly's account of "protection racket," by which populations are coerced into a territory but offered protection in exchange. In the Palestinian case, Palestinians are victims of the racket while the protection is given exclusively to settlers and the State of Israel. From 1967 to 1989 the basic de facto parameters of Palestinian-Israeli relations operated hierarchically by subjugating Palestinians, using this power relation to protect and encourage settlement activity. Although de jure this is technically not a state, the establishment of a hierarchy through means of a "protection" and a "racket" resemble a single geo-political unit or state, far more than two separate units/states. The deviation from Tilly's theoretical framework, as illustrated in Israel's own imagination of itself as a "State of the Jewish people" rather than its citizens, has created a racket applicable indigenous people for the sake of the protection of the settler population. When analyzing the Oslo Accords implications, I hope to have demonstrated that the process of a "two-state" solution that was advocated for depended on de-establishing a existing geo-political unit that depended on the domination of one people's over another, rearranging the people, the resources, and the institutions within it, none of which were necessarily territorially separate or separable, and establishing two new states.

### The Oslo Accords, Israeli security, and the Permit Regime:

Actors within the international community, Israel and Palestine alike were initially optimistic regarding the Oslo Accords. However, due to the lack of final status negotiations, the exclusion and omission of primary issues such as settlements, borders, Jerusalem and refugees from the negotiations, the assassination of the Israeli prime minister, and the Al-Aqsa intifada many now considered the Oslo Accords a failure. Regardless of the many things it did not change, there are notable differences in the structure of relations between Israel and Palestine. However, rather than having become closer to two states, they have become tantamount to a one state reality. Leila Farsakh argues that Oslo has paved the way to the West Bank and Gaza Strip's "batunstanization" through the institutionalizing "contradictory practices of societal separation and territorial integration" (Farsakh, 2005, 238). She describes a Bantustanization, as creating "territorially demarcated and political autonomous areas for the indigenous population while controlling their mobility through a complex system of pass permits and security control" (Farsakh, 2005, 238).

In 1993 under the Oslo "peace process", the permit regime was established. It was quite literally copied and pasted from the British Colonial Regulations of 1945, with the revision of removing "His majesty's forces" with "Israeli Forces" (Berda, 2017, 15-16). Whereas prior to Oslo, the Occupied territories and Israel shared an "open-border" policy to allow for the migratory Palestinian labor force, the permit regime today heavily restricts all form of Palestinian movement, and most crucially labor migration. The permit regime and the checkpoint security apparatus (Israeli security zone) which made up 45% of the West Bank Territory in 2002, and

the corresponding closure policies allowed for more efficient control over Palestinian migrant workers and Israel to capitalize on the previously established political and economic relationship (Monitoring Israeli Colonizing Activities, 2002)

The Israeli permit regime according to the Applied research Institute of Jerusalem (ARIJ) consists of at least 101 different permits. Each is varied through purpose, temporal, and spatial limits (Al-Qadi, 2-8). Arguably the greatest illustration of its effect is in the “seam zones”. The seam zones refer to about 9% of Palestinian territory that was cut off with the construction of the Separation Wall. The seam zones fall under Area C and thus are under Israeli control. There are 13 different types of permits that apply to the seam zones specifically. On the one hand, Palestinians in the seam zone must acquire permits both to enter the West Bank and Israel, as well as resident entry permits, and some agricultural workers who own the land but do not live on it have to acquire temporary and temporal permits to access their lands for maintenance or harvest. Additionally, permits are required for building, renovations, imports, exports, and travel abroad (Al-Qadi, 2018, 2-8). These are separate from permits for Palestinians in the West Bank, who correspondingly have similar permits for the same purpose, just in different geographic locations.

The highest proportion of permits issued are work permits which are necessary for Palestinians who work in either Israel or the Israeli settlements (Al-Qadi, 2018, 10). Work permits are issued by the Israeli Civil Administration (ICA) through a quota system (Al-Qadi, 2018, 21-23). Perhaps most importantly, they are issued to Palestinians under the pre-text that they are in perpetuity a potential suicide bomber. In effect, the Israeli Permit Regime assumes Palestinian potential culpability until proven innocent. Under this “security pre-text”, work

permits, which are issued to Israeli employers who then pay taxes on them so that Palestinians receive them, can be revoked at any time and without justification (Al-Qadi 2018, 2-5). In many cases, Palestinians will incur high costs to hire Israeli lawyers to represent them in Israeli court on behalf of their permit status (Al - Qadi, 2018, 17-19).

The need for employment under the economic repression of Occupation has driven some Palestinians to “permit black markets”, otherwise known as the “brokerage phenomenon” (Al-Qadi, 2018, 23-26). The brokerage phenomenon occurs when Israeli employers are issued more work permits than they need, which they then sell to Israeli third parties (which is illegal under Israeli law). These Israeli third parties sell the permits to Palestinian parties in the West Bank, who then sell them for an even higher price to Palestinian workers. According to the Applied Research Institute of Jerusalem (ARIJ) the “Israeli government itself said in July that the permit system leads to the exploitation of workers and lost money for laborers. The ILO estimates those losses at between 232 and 1,360 million Israeli shekels, or between \$66 million and \$389 million, each year” (Al-Qadi, 2018, 24). Moreover, because this process is already illegal, it leaves Palestinian workers at the whims of their employers who can suddenly cancel their permit to evade taxes; since this process is illegal, Palestinian workers cannot report their employers for fear of losing their security clearance.

#### Taxes and Permits:

Far from working in isolation, the tax and permit system interact in ways that decrease the Palestinian Authority’s ability to fund its operations, prevent Palestinian development (Shezaf 2020), and provide leverage to recruit informers (Laub and Daraghmeh 2018). The Palestinian Authority can tax Palestinians within their own limited autonomous zone and, taxes



collected on Palestinians working in Israel are collected by Israel and remitted back to the Palestinian Authority. The VAT taxes collected by Israel accounted for approximately one third of the PA's revenue (Kanafani, 2012, 46). It is not out of the ordinary for Israel to withhold remittances to leverage the PA politically. Effectively this allows Israel to have control over a significant bulk of the Palestinian Authorities revenue, without having to enter densely populated Palestinian areas to retrieve them, allowing control without the added hassle of having to enforce tax law in the "autonomous zones". Simultaneously, the responsibility of caring for this migrant labor force rests on the Palestinian Authority. Taken together, Israel has two sources of leverage over the Palestinian economy: It can allow more laborers into Israel, which generates more taxes to be collected and remitted to the PA. These taxes constitute a substantial part of the PA's revenue, and the more taxes Israel collects, the greater the cost to the Palestinian Authority of not cooperating with them. Conversely, the less laborers Israel permits, the less tax revenue it retains to leverage but this creates more popular discontent among the Palestinian people it can generate, which the PA must manage.

In terms of development, the permit regime also designates building permits. With this authority the Israeli state can both prevent new Palestinian infrastructure outside of Area A as well as demolish existing structures. According to Alon Cohen-Lifshitz, the coordinator of the human rights organization Bimkom, "The area in which Palestinians can build legally as part of approved plans whose purpose is to limit development, is 0.5 percent of Area C. The area of plans for settlements in about 26 percent," (Shazef 2020). Additionally, according to a new irrevokable Civil Administration procedure, residents must show a building permit within 96 hours of it's request, and demolition can be conducted without a trial (Shazef 2021).

Finally, the ability to suspend permits without notice or explanation, has allowed for the Shin Beit to leverage Palestinians economic plight for informers. According to Yael Berda, an Israeli human rights lawyer, who worked in Jerusalem representing Palestinians attempting to reconcile their security status', executing an extensive web of human intelligence in territories the Israel state no longer technically governed was difficult (Berda, 2017, 34). With the increasingly extensive permit regime network, the Shin Beit was able to "invoke it's executive powers in a set of mundane and systemic practices" that allowed it to leverage security classifications of Palestinians as an "administrative weapon against the civilian population" (Berda, 2017, 34).

## Conclusion

This thesis argues that relations between Israel and Palestine can usefully be imagined as a state-building problem. The most useful way to conceptualize the transformation of power configurations in Historic Palestine in terms of the agreement in the Oslo Accords, is in terms of Charles Tilly's "protection racket" that has acted in a bifurcated way. Whereas prior to Oslo, as I have shown, Occupation law required Israel to perform "protection" and thus allowed for the creation of a racket which was then used by Israel ostensibly to protect its own settlers; Oslo left the racket in the hands of Israel, while it subcontracted limited "protection" responsibility to the Palestinian Authority. To be clear, even the limited "protection" responsibilities must still be authorized by Israel, and thus this arrangement institutionalized Israel's security as the basis for the autonomous Palestinian economy. This relationship is cemented by the creation and maintenance by Israel of a dependent migrant labor force, restricted economic development, and productive capacity in Palestinian areas, and, with Oslo, the strict and direct control of

Palestinian movement, labor and goods. In effect Israel has allowed political autonomy within spaces of densely populated and comparatively (to Israel) under-developed Palestinian areas, while coopting the taxable economy that would theoretically further a Palestinian state. This bifurcated “protection racket” organizes a state around the goal of dispossessing a racialized group of its land and extracting economic resources from them as well, while restricting their rights to mobility and their access to well-being.

The dispossessed group is not external to the state, but under the coercive control of it. While Charles Tilly did not make space for such a state within his model, other scholars have extensively theorized: it’s a single state also known as a settler state. It is a settler colonial state, insofar as it uses a bifurcated protection racket to maintain dominant economic and political relations over an indigeneous population it seeks to replace. Placing Palestinian-Israeli relations in this paradigm has conceptual continuity and recognizes the structural domination that has resulted in one unequal Israeli state. This framing of Israeli-Palestinian relations has a number of implications. The first, is that if Israel does have the single authority from the Jordan River to the Mediterranean Sea, it’s democracy and it’s legitimacy are directly called into question. Second, the presence of a single Israeli authority as well as bifurcated government apparatus, one for Palestinians and one for Israelis, that systemically privileges Israelis at the expense of Palestinians, Israel is most likely an apartheid state. A third implication, and probably the most important, is that the two-state solution is not only inviable, but has provided a smoke-screen for the Israeli government to complete its settler-colonial project de facto, under the guise of its occupation being temporary.

In fact, the major characteristics of Israeli settler colonialism in relation to the indigenous Palestinians, such as labor dependency and a co-opted/captive economy that are directly linked to the lack of Palestinian political rights, further imply that resolution of this “conflict” will not be attained solely through a political solution. It is precisely for these reasons that recent movements such as Boycott, Divestment and Sanctions (BDS) movement seem to be the most effective strategy for targeting and weakening the Israeli hegemony that currently exists over Palestinians. Rather than being limited to specific political outcome, BDS provides a more wholistic framework for justice and greater flexibility in articulating future relations. The BDS movement is a direct call from the Palestinian civil community demanding; (1) ending the occupation and colonization of all Arab lands and dismantling the separation wall; (2) recognizing the Arab-Palestinians citizens of Israel to full equality; (3) and respecting and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN resolution 194 (BDS 2020). At its most basic, BDS is a call to dismantle the bifurcated system between Palestinians and Israelis without the added complexity of having to shape the solution to a specific outcome which has been one of the biggest obstacles to negotiations regarding a two state solution throughout history. Policy makers in the future would do well to take similar approaches, centering justice rather than specific political outcomes

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